

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE SIDE****WRIT PETITION NO.6802 OF 2004**

 Office Notes, Office)
 Memoranda of Coram,)
 appearances, Court's)
 orders or directions)
 and Registrar's orders.)

Court's or Judge's orders

Mr. A.V. Anturkar for Petitioner.

Mrs. S.S. Bhende, A.G.P. for State.

CORAM : F.I. REBELLO &
 S.P. KUKDAY,JJ.
 DATED : FEBRUARY 10, 2005

P.C.

Rule. Heard forthwith.

. The issue which has arisen in this
 petition was also in issue which arose
 before this court in Writ Petition No.
 4280 of 2003 which was a challenge to
 Clause 2 of the Government communication
 dated 13.3.2002. In the judgment dated
 8.3.2003 challenge was upheld and Para 2 of
 the Government communication dated
 13.3.2002 was held to be bad in law and

quashed and set aside. Considering the issue is already covered by the earlier judgment of this court, rule will have to be made absolute in terms of Paragraph 7 of the judgement dated 8.3.2003 in Writ Petition No. 4280 of 2003 with following clarification.

. The amounts will be calculated in terms of the amounts as claimed in the present Petition. The Tahsildar after calculating the said amounts to refund the excess if any within reasonable time which will not be later than six months. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)